



# Housing (Wales) Act 2014

2014 anaw 7

## PART 2

### HOMELESSNESS

#### CHAPTER 2

#### HELP FOR PEOPLE WHO ARE HOMELESS OR THREATENED WITH HOMELESSNESS

#### *Key terms*

#### 54 Application of key terms

Sections 55 to 59 apply for the purposes of this Part.

#### **Commencement Information**

**II** [S. 54](#) in force at 27.4.2015 by [S.I. 2015/1272](#), art. 2, [Sch. para. 5](#)

#### 55 Meaning of homeless and threatened homelessness

- (1) A person is homeless if there is no accommodation available for the person's occupation, in the United Kingdom or elsewhere, which the person—
- (a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,
  - (b) has an express or implied licence to occupy, or
  - (c) occupies as a residence by virtue of any enactment or rule of law giving the person the right to remain in occupation or restricting the right of another person to recover possession.

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- (2) A person is also homeless if the person has accommodation but—
- (a) cannot secure entry to it, or
  - (b) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where the person is entitled or permitted both to place it and to reside in it.
- (3) A person is not to be treated as having accommodation unless it is accommodation which it would be reasonable for the person to continue to occupy.
- (4) A person is threatened with homelessness if it is likely that the person will become homeless within 56 days.

**Commencement Information**

**I2** S. 55 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 6

**56 Meaning of accommodation available for occupation**

- (1) Accommodation may only be regarded as available for a person's occupation if it is available for occupation by that person together with—
- (a) any other person who normally resides with that person as a member of his or her family, or
  - (b) any other person who might reasonably be expected to reside with that person.
- (2) A reference in this Chapter to securing that accommodation is available for a person's occupation is to be interpreted accordingly.

**Commencement Information**

**I3** S. 56 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 7

**57 Whether it is reasonable to continue to occupy accommodation**

- (1) It is not reasonable for a person to continue to occupy accommodation if it is probable that it will lead to the person, or a member of the person's household, being subjected to abuse.
- (2) In this section “member of a person's household” means—
- (a) a person who normally resides with him or her as member of his or her family, or
  - (b) any other person who might reasonably be expected to reside with that person.
- (3) In determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation, a local housing authority—
- (a) may have regard to the general circumstances prevailing in relation to housing in the area of the local housing authority to whom the person has applied for help in securing accommodation;
  - (b) must have regard to whether or not the accommodation is affordable for that person.
- (4) The Welsh Ministers may by order specify—

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- (a) other circumstances in which it is to be regarded as reasonable or not reasonable for a person to continue to occupy accommodation, and
- (b) other matters to be taken into account or disregarded in determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation.

#### Commencement Information

**I4** S. 57 in force at 1.12.2014 for specified purposes by S.I. 2014/3127, art. 2(b), Sch. Pt. 2

**I5** S. 57 in force at 27.4.2015 in so far as not already in force by S.I. 2015/1272, art. 2, Sch. para. 8

## 58 Meaning of abuse and domestic abuse

- (1) “Abuse” means physical violence, threatening or intimidating behaviour and any other form of abuse which, directly or indirectly, may give rise to the risk of harm; and abuse is “domestic abuse” where the victim is associated with the abuser.
- (2) A person is associated with another person if—
  - (a) they are or have been married to each other;
  - (b) they are or have been civil partners of each other;
  - (c) they live or have lived together in an enduring family relationship (whether they are of different sexes or the same sex);
  - (d) they live or have lived in the same household;
  - (e) they are relatives;
  - (f) they have agreed to marry one another (whether or not that agreement has been terminated);
  - (g) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);
  - (h) they have or have had an intimate personal relationship with each other which is or was of significant duration;
  - (i) in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.
- (3) If a child has been adopted or falls within subsection (4), two persons are also associated with each other for the purposes this Chapter if—
  - (a) one is a natural parent of the child or a parent of such a natural parent, and
  - (b) the other is—
    - (i) the child, or
    - (ii) a person who has become a parent of the child by virtue of an adoption order, who has applied for an adoption order or with whom the child has at any time been placed for adoption.
- (4) A child falls within this section if—
  - (a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002, is authorised to place the child for adoption under section 19 of that Act (placing children with parental consent) or the child has become the subject of an order under section 21 of that Act (placement orders), or
  - (b) the child is freed for adoption by virtue of an order made—
    - (i) in England and Wales, under section 18 of the Adoption Act 1976,

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- (ii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987, or
- (c) the child is the subject of a Scottish permanence order which includes granting authority to adopt.

(5) In this section—

“adoption order” (“*gorchymyn mabwysiadu*”) means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;

“civil partnership agreement” (“*cytundeb partneriaeth sifil*”) has the meaning given by section 73 of the Civil Partnership Act 2004;

“parental responsibility” (“*cyfrifoldeb rhiant*”) has the meaning given by section 3 of the Children Act 1989;

“relative” (“*perthynas*”), in relation to a person, means that person's parent, grandparent, child, grandchild, brother, half-brother, sister, half-sister, uncle, aunt, nephew, niece (including any person who is or has been in that relationship by virtue of a marriage or civil partnership or an enduring family relationship).

#### Commencement Information

**16** S. 58 in force at 27.4.2015 by S.I. 2015/1272, art. 2, Sch. para. 9

## 59 Suitability of accommodation

- (1) In determining whether accommodation is suitable for a person, a local housing authority must have regard to the following enactments—
  - (a) Part 9 of the Housing Act 1985 (slum clearance);
  - (b) Part 10 of the Housing Act 1985 (overcrowding);
  - (c) Part 1 of the Housing Act 2004 (housing conditions);
  - (d) Part 2 of the Housing Act 2004 (licensing of houses in multiple occupation);
  - (e) Part 3 of the Housing Act 2004 (selective licensing of other residential accommodation);
  - (f) Part 4 of the Housing Act 2004 (additional control provisions in relation to residential accommodation);
  - (g) Part 1 of this Act (regulation of private rented housing).
- (2) In determining whether accommodation is suitable for a person, a local housing authority must have regard to whether or not the accommodation is affordable for that person.
- (3) The Welsh Ministers may by order specify—
  - (a) circumstances in which accommodation is or is not to be regarded as suitable for a person, and
  - (b) matters to be taken into account or disregarded in determining whether accommodation is suitable for a person.

#### Commencement Information

**17** S. 59 in force at 1.12.2014 for specified purposes by S.I. 2014/3127, art. 2(b), Sch. Pt. 2

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**18** [S. 59](#) in force at 27.4.2015 in so far as not already in force by [S.I. 2015/1272](#), art. 2, [Sch. para. 10](#)

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